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10/596,723	06/22/2006	Juergen Paul	810357	9921

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Leydig, Voit & Mayer, Ltd. (Frankfurt office)  
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EXAMINER
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RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2486

NOTIFICATION DATE	DELIVERY MODE
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01/12/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chgpatent1@leydig.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,723	PAUL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ANDY RAO	2486	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 59-92 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 59-92 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/12/11</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's arguments filed with respect to claims 59-92 as filed on 10/12/11 have been fully considered but they are not persuasive.
2. The Applicant presents two arguments contending the Examiner's rejections of claims 59-85 & 88-92 rejected under 35 U.S.C. 102(b) as being anticipated by Bacus et al., (US 2002/0135678: hereinafter referred to as "Bacus"), and of claims 86-87 Claims 86-87 under 35 U.S.C. 103(a) as being unpatentable over Bacus in view of Johannsmeier (US Patent: 4,414,749), as was set forth in the previous Office Action of 07/18/11. However, after a careful consideration of the arguments presented, and further scrutiny of the Bacus reference, the Examiner must respectfully disagree and maintain the applicability of the references as the basis for the grounds of rejection that follow.

After summarizing the current stage of prosecution (Amendment of 10/12/11: page 9, lines 1-25), providing the Applicant's interpretation of the applied Bacus reference (Amendment of 10/12/11: page 9, lines 26-28; page 10, lines 1-3 and 20-23), and outlining the salient features of amended claims 59 and 89 (Amendment of 10/12/11: page 10, lines 4-15), the Applicant argues that Bacus fails to address the "a control unit configured to control functions of the microscope and to automatically adjust the adjustable subassembly to establish the setting defined by the setting data and corresponding to the image data..." and "automatically adjusting the at least one automatically adjustable subassembly using the at least one adjustable element so as to establish the setting defined by the setting data and associated with the image data..." limitations as in claims 59 and 89 (Amendment of 10/12/11: page 10, lines 16-24), respectively,

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and further posits that since the images are viewed over an network remotely, providing a means for automatic adjustment would not be required or even necessary in the primary reference (Amendment of 10/12/11: page 10, lines 2-3; page 10, lines 25-30; page 11, lines 1-3). The Examiner respectfully disagrees. In analyzing the claims, the Examiner notes that Bacus as discussed would meet a majority of the features of the claims' limitations, but fails to address the "a control unit configured to control functions of the microscope and to automatically adjust the adjustable subassembly to establish the setting defined by the setting data and corresponding to the image data..." and "automatically adjusting the at least one automatically adjustable subassembly using the at least one adjustable element so as to establish the setting defined by the setting data and associated with the image data..." limitations, as in the claims (specifically claim 59 and 89). The Examiner further notes that to arrive at all of the features of the amended claims, one of ordinary skill in the art would merely have to modify the Bacus system and method to add on an "automated adjustability" feature in the system and method, a modification which courts have long since ruled as being obvious and a feature that cannot be the sole basis for patentability, *In re Venner*, 120 USPQ (CCPA 1958). Accordingly, the Examiner notes that Bacus could be modified to be automatically adjustable in the manner of the amended claims just as a manner of established case law. Now, the Examiner comes whether one of ordinary skill in the art would rule out the incorporation of an "...automated adjustability..." feature based on what Bacus teaches with regards to remote viewability. As the applicant has pointed out, with the presentation of the virtual viewable slides across a network, a remote viewer most likely won't need to make use of such a feature (Bacus: paragraphs [0008], [0082], [0095], [0096]). However, the Examiner would assert that in constructing the low resolution and/or high resolution images

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for the remote viewers, the locally resident PC would gain from having an "...automated adjustability..." feature in order to generate standardized viewing fields for the low resolution and high resolution images (Bacus: paragraph [0075], lines 1-10) for the remote viewers (Bacus: figure 10: signal line of 'microscope control signals' and 'stage signals'). Accordingly, the Examiner maintains that upon giving the entire disclosure of Bacus a careful analysis, one of ordinary skill in the art would look to modify the method and system (Bacus: figures 10-12) to incorporate a feature of automated adjustability and arrive at the limitations of amended claims 59 and 89. The Bacus system and method, as modified to include automated adjustability in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, would have all of the features of the claims, *In re Venner*, 120 USPQ (CCPA 1958).

Lastly, with regards to the secondary Johannsmeier reference, the Applicant argues that it also fails to disclose "...a control unit configured to control function configured to control functions of the microscope and to automatically adjust the adjustable subassembly to establish the setting defined by the setting data and corresponding to the image data..." (Amendment of 10/12/11: page 11, lines 6-26), as well. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As discussed above, the Examiner notes that a modified version of Bacus would address the features of amended of claims 59 and 89, and therefore, Johannsmeier on its own doesn't also

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have to address this limitation, but addresses it with its combination with the already modified primary reference.

A detailed rejection of the amended claims 59-92 follows.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 59-85 & 88-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacus et al., (US 2002/0135678: hereinafter referred to as “Bacus”).

Regarding claim 59, Bacus teaches a microscope system comprising: a microscope including an automatically adjustable subassembly having an adjustable element; a digital camera configured to acquire image data of an image of a specimen; and a computer system including a display and a storage unit configured to store the image data and to store, associated with the image data, data defining a setting of the automatically adjustable subassembly corresponding to the image data (Fig. 9A & 9B), as in the claim. However, Bacus fails to disclose “...a control unit configured to control functions of the microscope and to automatically adjust the adjustable subassembly to establish the setting defined by the setting data and corresponding to the image data...” limitation, as in claim 59. The Examiner notes that to arrive at all of the features of the amended claims, one of ordinary skill in the art would merely modify the system to have an “automated adjustability” feature in the system, a modification which

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courts have long since ruled as being obvious and a feature that is not a basis for patentability, *In re Venner*, 120 USPQ (CCPA 1958). Accordingly, the Examiner notes that one of ordinary skill in the art has it within his/her capacity to modify the Bacus system to be automatically adjustable in order to aid in constructing the low resolution and/or high resolution images for the remote viewers, the locally resident PC would gain from having an "...automated adjustability..." feature in order to generate standardized viewing fields for generating the low resolution and high resolution images (Bacus: paragraph [0075], lines 1-10) for the remote viewers (Bacus: figure 10: signal line of 'microscope control signals' and 'stage signals'). The Bacus system as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, has all of the features of the claim 59.

Regarding claim 60, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the storage unit is configured to store image data of a reference image made to store, associated with the image data of the reference image, data defining a setting of the automatically adjustable subassembly corresponding to the image data of the reference image (Table 3), as specified.

Regarding claim 61, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the automatically adjustable subassembly includes at least one of an objective nosepiece, a microscope stage, a condenser, a magnification changer, a

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filter changer, an adjustable diaphragm, a brightness controller of a lighting device, and a setting element: of the digital camera (Fig. 9B), as specified.

Regarding claim 62, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the objective nosepiece is configured to receive a plurality of objectives each in a respective position and to rotate between the positions, and further comprising a motor associated with the objective nosepiece and configured to rotate the objective nosepiece between the positions (Fig. 9B; Par. [0087]), as specified.

Regarding claim 63, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches a first, a second and a third motor associated with the microscope stage, the first motor being configured to move the microscope stage in an X-direction, the second motor being configured to move the microscope stage in a Y-direction and the third motor being configured to move the microscope stage in a Z-direction (Fig. 9B), as specified.

Regarding claim 64, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches a motor-driven actuation element configured to change over the condenser (Par. [0086], lines 17-20), as specified.

Regarding claim 65, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches a motor-driven actuation element configured to change over the magnification changer (Par. [0086], lines 9-12; Par. [0087]), as specified.



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Regarding claim 66, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the filter changer includes a filter wheel including a motor configured to move individual filter elements into an optical axis(Fig. 9B), as specified.

Regarding claim 67, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches a motor configured to adjust the adjustable diaphragm (Fig. 9B; Par [0086], lines 14-17), as specified.

Regarding claim 68, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the brightness controller includes an electronic circuit (Fig 9B; Par [0086], lines 4-7), as specified.

Regarding claim 69, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the display is configured to depict a user interface of the digital camera configured to specify a setting of the digital camera (Fig. 2 & 3), as specified.

Regarding claim 70, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the user interface of the digital camera includes a first area, a second area and a third area, settings for acquisition of the image can being specifiable in the first area, a configuration -for a type of the digital camera being settable in the second area,

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the image acquired by the digital camera being depictable in the third area (Fig. 2 & 10), as specified.

Regarding claim 71, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the display is configured to depict a user interface for handling the image data stored in the storage unit and for handling settings of the microscope corresponding to the image data (Fig. 25), as specified.

Regarding claim 72, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the user interface includes a plurality of windows (Fig. 2), as specified.

Regarding claim 73, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the plurality of windows includes a first window configured to enter and display a type of the microscope (Fig. 13), as specified.

Regarding claim 74, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the plurality of windows includes a second window configured to enter and display a freely definable description (Par. [0108]), as specified.

Regarding claim 75, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and

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high resolution images, teaches wherein the plurality of windows includes a third window configured to enter and display a setting of the microscope (Fig. 2 & 3), as specified.

Regarding claim 76, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the third window is configured to display at least one of a name assigned to the stored image data, a file name, a magnification of the objective used to acquire the image, a use of a magnification changer, a size of the diaphragm opening, a brightness, a type of condenser, an illuminated field diaphragm, a filter cube employed, an objective designation, a tube magnification, an X-position of a stage of the microscope, a Y-position of the stage, a Z-position of the stage, a contrasting method employed, a phototube employed, an article number of the phototube employed, and a position of an objective nosepiece of the microscope (Table 3), as in the claim.

Regarding claim 77, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the plurality of windows includes a fourth window configured to display a list of names assigned to individual images made up of acquired image data (Fig. 23), as specified.

Regarding claims 78-79, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the plurality of windows includes a fifth window configured to display, in a matrix as thumbnails, respective images corresponding to image data stored in the storage unit (Fig. 78), as specified.

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Regarding claim 80, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the computer system is associated with an input unit including at least one of a mouse, a trackball, a keyboard, a touchscreen (Fig. 9A-9B; Par. [0083]), as specified.

Regarding claim 81, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the display is configured to depict a user interface useable to output a message indicating a status of the setting of the subassembly and based on the data defining the setting (Fig. 2 & 3), as specified.

Regarding claim 82, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the user interface is configured to depict subassemblies that go with a type of the microscope and that are to be adjusted, and wherein a first subassembly of the subassemblies that is automatically adjusted on the basis of the data defining the setting is associated with a second message indicating a change that has been made (Fig. 10 & 13), as specified.

Regarding claim 83, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the user interface is configured to depict subassemblies that go with a type of the microscope and that are to be adjusted, and wherein a first subassembly of the subassemblies that cannot be automatically adjusted on the basis of the data defining the

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setting is associated with a second message indicating that a change has not been made for the first subassembly (Fig. 10 & 13), as specified.

Regarding claim 84, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the first subassembly is configured to be adjusted manually by a user (Fig. 13), as specified.

Regarding claim 85, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein the user interface is configured to depict subassemblies that go with a type of the microscope and that are to be adjusted, and wherein a first subassembly of the subassemblies that is not implemented in the microscope is indicatable on the display by a second message (Fig. 13), as specified.

Regarding claim 88, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches wherein microscope stage includes a slide holder, and wherein the specimen slide includes an interacting element configured to interact with a counterpart on the slide holder (Par. [0082], lines 8-14), as specified.

Regarding claim 89, Bacus teaches a method for operating a microscope system including a microscope having at least one automatically adjustable subassembly with at least one: adjustable element, a digital camera connected to the microscope, and a computer system having at least one display and at least one storage unit, the method comprising: acquiring, by the digital camera, image data of an image of a specimen; storing the image data in the storage unit;

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associating, with the image data stored in the storage unit, data defining a setting of the at least one subassembly of the microscope (Fig 9A & 9B); depicting the image on a user interface of the display; selecting the image depicted on the user interface and the associated data defining the setting of the at least one automatically adjustable subassembly of the microscope (Fig. 2 & 3); as in claim 89. However, Bacus fails to disclose "...“automatically adjusting the at least one automatically adjustable subassembly using the at least one adjustable element so as to establish the setting defined by the setting data and associated with the image data...” limitation, as in claim 89. The Examiner notes that to arrive at all of the features of the amended claim, one of ordinary skill in the art would merely modify the method to have an “automated adjustability” feature in the system, a modification which courts have long since ruled as being obvious and a feature that is not a basis for patentability, *In re Venner*, 120 USPQ (CCPA 1958). Accordingly, the Examiner notes that one of ordinary skill in the art has it within his/her capacity to modify the Bacus method to be automatically adjustable in order to aid in constructing the low resolution and/or high resolution images for the remote viewers, the locally resident PC would gain from having an “...automated adjustability...” feature in order to generate standardized viewing fields for generating the low resolution and high resolution images (Bacus: paragraph [0075], lines 1-10) for the remote viewers (Bacus: figure 10: signal line of 'microscope control signals' and 'stage signals'). The Bacus method as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, has all of the features of the claim 89.

Regarding claim 90, the Bacus method, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and

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high resolution images, further discloses: storing, in the storage unit, image data of at least one reference image; and associating, with the at least one reference image, data useable for a setting of the at least one automatically adjustable subassembly corresponding to the image data of the at least one reference image (Par. [0008], lines 15-18), as specified.

Regarding claim 91, the Bacus method, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, discloses wherein the at least one automatically adjustable subassembly includes at least one of an objective nosepiece, a microscope stage, a condenser, a magnification changer, a filter changer, an adjustable diaphragm, a brightness controller of a lighting device and a setting of the digital camera (Fig. 9B), as specified.

Regarding claim 92, the Bacus method, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, discloses wherein the display is configured to depict a user interface of the digital camera, the user interface including a first area, a second area and a third area, settings for acquisition of the image being specifiable in the first area, a configuration for a type of the digital camera being settable in the second area, the image acquired by the digital camera being depictable in the third area (Fig. 2 & 3), as specified

5. Claims 86-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacus in view of Johansmeier (US Patent: 4,414,749).

Regarding claim 86, the Bacus system, as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images, teaches the a majority of the features as recited in claim 59. However,

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Bacus fails to disclose details about the specimen slide and its markings as in the claim.

Johannsmeier discloses wherein the microscope includes a stage and specimen slide receivable by the stage, the specimen slide including a marking detectable by the microscope system in order to provide the user with a reference point for an X-value and a Y-value of the stage (Johannsmeier: Col. 6, lines 37-42). Given these teachings it would have been obvious for one of ordinary skill in the art at the invention to incorporate the teaching of Johannsmeier's reference markings from slides into the Bacus teaching in order to confer the benefits of having the already modified Bacus' disclosure be able to quickly and efficiently organize the x and y references of the slides. The Bacus teaching as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images and now incorporating Johannsmeier's slide reference markings has all of the features of the claim 86.

Regarding claim 87, the Bacus teaching as modified to include automated adjustability as in accordance with established case law and as an aid in generating Bacus's low resolution and high resolution images and now incorporating Johannsmeier's slide reference markings has wherein the marking is disposed on a non-transparent part of the specimen slide (Johannsmeier: Col 6, lines 42-46), as in the claim.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDY RAO whose telephone number is (571)272-7337. The examiner can normally be reached on Monday-Friday 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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asr

/Andy S. Rao/

Primary Examiner, Art Unit 2486

January 9, 2012